

## REMARKS

It is noted that claims 1-16, 18 and 19 are pending in the application and that all of the claims stand rejected under 35 U.S.C. §102(b) on U.S. patent No. 5,188,362 (Ashihara) as set forth on pages 2-3 of the final Office Action dated May 17, 2005.

Prior to addressing the Examiner's Rejection on the merits, applicant's undersigned attorney wishes to thank Examiner Andre L. Jackson for the interview courteously granted during which applicant's attorneys described amendment being made to the claims to better distinguish over the Ashihara reference. Examiner Jackson indicated that applicant's suggested amendments to the claims would undoubtedly entail further consideration and that a Request for Continued Examination would be a more appropriate response to the final Office Action in order to obtain further consideration of the amended claims on their merits.

Accordingly, this amendment amends the claims in the application to more clearly distinguish over the cited Ashihara reference. It is pointed out that applicant's claims are directed to an end cap for mounting on a proximal end of and in generally axial alignment with the longitudinal axis of a baton as defined by a generally cylindrical elongated portion of a baton handle that defines the longitudinal axis of the baton. The claimed end cap is not a handle that could comprise a crosshandle branched in perpendicular form from a baton main body at a position longitudinally localized from the center to one end of the baton main body, as in the Ashihara reference and relied upon by the Examiner in rejecting applicant's claims. Moreover, applicant's claimed end cap is readily removable and replaceable to thereby allow interchange of various types of end caps which meet the terms of applicant's claims, as a particular situation dictates.

Moreover, there is a dramatic difference in the relationship between the gripping portion of applicant's baton cap and the baton handle, as contrasted with the relationship between the gripping portion of the crosshandle 2 of the Ashihara baton relied upon by the Examiner. This is brought out in applicant's amended claims in calling for the leverage end cap as having a unitary body defining a longitudinal axis and having an enlarged knob end with a reduced diameter circumferential groove intermediate and contiguous to the knob and an opposite attaching end of the cap, and being configured and sized to receive the little finger of the user's hand in generally wrapped relation in the circumferential groove with at least the pointing finger of the user's hand gripping the handle portion of the baton so as to firmly grip the baton adjacent its proximal end.

In this manner, the end cap increases the moment arm of the baton by placing the user's little finger near the end of the baton for greater leverage. Again, this is contrasted with the crosshandle of the Ashihara baton wherein the user's little finger is disposed near the midportion of the baton and thereby decreases the leverage during manipulation of the Ashihara baton.

In view of the foregoing, further examination of applicant's claims as now presented is respectfully requested. It is believed that the amendments to the claims place the claims in condition for allowance and such action is earnestly solicited.

Should the Examiner determine that a telephone interview with applicant's undersigned attorney would advance prosecution of the application, it is respectfully requested that the Examiner initiate such a telephone interview.

Respectfully submitted,

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